

CORRESPONDENCE



U.S. Department of Justice

*United States Attorney  
District of Hawaii*

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September 20, 2006

HONORABLE BARRY M. KURREN  
U.S. Magistrate Judge

and

GLENN CHOY, ESQ.  
735 Bishop Street, Suite 322  
Honolulu, Hawaii 96813

Attorney for Defendant  
(Via Fax: (808) 533-4007)

RE: United States v. Gary Matsuo  
CR. NO. 05-00325-01 HG

Change of Plea (Indictment) for September 21, 2006  
at 2:30 p.m.

1. Defendant will plead guilty as charged in the Indictment to one count of a violation of Title 21, United States Code, Section 846 (Count 1 - Conspiracy to possess with intent to distribute 50 grams or more of methamphetamine).

**There is no plea agreement in this case.**

2. The penalties for the offense to which Defendant is pleading guilty are:

A. A minimum term of imprisonment of ten years and up to life;

B. A fine of up to \$4,000,000;

C. A term of supervised release of not less than five years and up to life;

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In addition, there is a \$100 special assessment as to each count to which the Defendant is pleading guilty<sup>1</sup>.

At the discretion of the court, defendant may also be denied any or all federal benefits, as that term is defined in 21 U.S.C. §862, (a) for up to five years if this is defendant's first conviction of a federal or state offense consisting of the distribution of controlled substances, or (b) for up to ten years if this is defendant's second conviction of a federal or state offense consisting of the distribution of controlled substances. If this is defendant's third or more conviction of a federal or state offense consisting of the distribution of controlled substances, the defendant is permanently ineligible for all federal benefits, as that term is defined in 21 U.S.C. §862 (d).

3. For the Court's information, the following facts are not a detailed recitation, but merely an outline of what happened in relation to the charges to which Defendant is pleading guilty:

During the period from on or about January 1, 2004, to and including June 22, 2005, Defendant Gary Matsuo (hereinafter "Defendant Matsuo") did enter into an agreement with his co-defendants, and others, to distribute methamphetamine in Hawaii. During this time period, Defendant Matsuo possessed with intent to distribute, and did distribute, approximately 101.72 grams of methamphetamine that was seized by law enforcement officers.

The above described methamphetamine was submitted for laboratory analysis which resulted in a positive finding for methamphetamine with a purity in the range from 94% to 97%.

Also enclosed is a copy of the Indictment that was filed in this case. Please call my office if you have any questions.

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<sup>1</sup> The \$100 special assessment is mandatory pursuant to Title 18 U.S.C. §3013(a)(2)(A).

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Glenn Choy, Esq.  
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Very truly yours,

EDWARD H. KUBO, JR.  
United States Attorney  
District of Hawaii

By

A handwritten signature in black ink, appearing to read "Chris A. Thomas", written over a horizontal line.

CHRIS A. THOMAS  
Assistant U.S. Attorney

CAT  
Encl